



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2002-42

October 7, 2002

Barbara Marlborough Revocable Living Trust
Richard and Barbara Marlborough
10 Castle Lane
Bayshore, NY 11706

RE: DES Wetlands File #2002-01592 71 Weirs Blvd, Laconia

Dear Mr. and Mrs. Marlborough

On September 23, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Laconia Tax Map 63 as Lot 5 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection and following further file review the following deficiencies were documented:

1. A seasonal dock with approximate dimensions of 4 feet x 20 feet, accessed by a 4 foot x 10 foot seasonal ramp was located on the property, adjacent to the permitted deck. DES has no record of a docking facility attached or associated with the deck.
2. On July 30, 1996, Clairbrook Condo Association, c/o Annette Anderson, obtained amended permit # 1990-1802 (*Copy enclosed*), for the replacement of a 16 foot x 16 foot deck, located partially over water. The permit included the existence of (2) 3 foot x 30 foot seasonal piers, no description or details provided for the existence of additional docking structures associated with the permitted deck (*Copy of approved plan for deck enclosed*).

In response, you are requested to take the following actions:

1. Within 30 days permanently remove the 4 foot x 20 seasonal dock, 4 foot x 10 seasonal ramp and all associated supports from the lake.
2. Within 15 days of removing the requested docking facility, submit a cover letter and photos, documenting that you have come into compliance with the above mentioned request.
3. DES will reconsider the placement of a docking facility associated with the deck for the next boating season only after new evidence has been submitted to demonstrate the previous existence of a docking structure associated with the permitted deck.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely

and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk, Shoreline Specialist
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0688 9538

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Laconia Conservation Commission
Laconia Board of Selectmen